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Ironworkers Vacation Trust Fund, California Field Ironworkers
Apprenticeship Training and Journeyman Retraining Fund,
Ironworkers Workers' Compensation Trust, California Field
Ironworkers Administrative Trust, and California
Field Ironworkers Labor Management Cooperative Trust*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

The Trustees of the California Ironworkers Field Pension Trust, California Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund, California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust, California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor Management Cooperative Trust,

Case No.: 2:20-cv-00716-JCM-NJK

STIPULATION TO DISMISS CASE

Plaintiffs,

VS.

Derr & Isbell Construction, LLC, a Delaware limited liability company; Arch Insurance Company, a Missouri corporation; SureTec Insurance Company, a Texas surety company; Merrill Iron & Steel, Inc., a Wisconsin Corporation; Nevada State Contractors Board, a Nevada regulatory agency; Liberty Mutual Insurance Company, a Massachusetts corporation; M. A. Mortenson Company, a Minnesota corporation; McCarthy Building Companies, Inc., a Missouri corporation; Federal

1 Insurance Company, an Illinois corporation; and
2 Mortenson-McCarthy Las Vegas Stadium, a
3 Joint Venture, a general partnership; Hinner,
4 Hinner, Rajek, LLC, a Wisconsin limited
liability company; Hinner, LLC, a Wisconsin
limited liability company,

5 Defendants.

6 The Plaintiffs, The Trustees of the California Ironworkers Field Pension Trust, California
7 Ironworkers Field Welfare Trust, California and Vicinity Field Ironworkers Annuity Fund,
8 California Field Ironworkers Vacation Trust Fund, California Field Ironworkers Apprenticeship
9 Training and Journeyman Retraining Fund, Ironworkers Workers' Compensation Trust,
10 California Field Ironworkers Administrative Trust, and California Field Ironworkers Labor
11 Management Cooperative Trust (collectively "Plaintiffs"), by and through their attorney, Evan L.
12 James, Esq., and Defendants, Derr & Isbell Construction, LLC and Arch Insurance Company
13 (collectively "Derr Defendants"), by and through their attorney, Brian J. Pezzillo, Esq.; Merrill
14 Iron & Steel, Inc., Liberty Mutual Insurance Company, Hinner, Hinner, Rajek, LLC and Hinner,
15 LLC (collectively "Merrill Defendants"), by and through their attorney, Bradley Taylor, Esq.; and
16 M. A. Mortenson Company, McCarthy Building Companies, Inc., Federal Insurance Company
17 and Mortenson-McCarthy Las Vegas Stadium (collectively "MMcJV Defendants"), by and
18 through their attorney, George F. Ogilvie III, Esq. hereby stipulate pursuant to FRCP
19 41(a)(1)(A)(ii) to dismiss the case as follows:

20 1. The parties have executed a Settlement Agreement setting forth specific terms and
21 conditions, which are incorporated herein by reference.

22 2. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the
23 Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell
24 Construction, LLC that may be enforced in accordance with the terms of the Settlement
25 Agreement and the Employee Retirement Income Security Act.

1 3. The parties agree that the Court retains jurisdiction over the Settlement Agreement
2 to enforce the terms of the Settlement Agreement.

3 4. The parties further agree that this Stipulation and the dismissal of claims do not
4 extend to claims asserted beyond this Lawsuit as recognized and limited in the Settlement
5 Agreement.

6 CHRISTENSEN JAMES & MARTIN

HOWARD & HOWARD

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16 *Attorneys for Plaintiffs*

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15 Gordon Rees Scully Mansukhani

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16 By: /s/ Bradley Taylor
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21 *Attorneys for Merrill Iron & Steel, Inc.;*
Liberty Mutual Insurance Company and;
Hinner, LLC; and Hinner, Hinner, Rajek,
LLC

By: /s/ George F. Ogilvie III
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Attorneys for M. A. Mortenson Company; McCarthy
Building Companies, Inc.; Federal Insurance
Company; and Mortenson-McCarthy Las Vegas
Stadium, a Joint Venture

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin and caused a true and correct copy of the foregoing document to be served in the following manner on the date it was filed with the Court's ECF System.

ELECTRONIC SERVICE: Through the Court's E-Filing System to the following:

Brian J. Pezzillo
bpezzillo@howardandhoward.com
*Attorney for Derr & Isbell Construction, LLC and
Arch Insurance Company*

Robert E Schumacher
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By: /s/ Carma Johnson

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Case No.: 2:20-cv-00716-JCM-NJK

ORDER GRANTING STIPULATION TO DISMISS CASE

Plaintiffs,

VS.

Derr & Isbell Construction, LLC, a Delaware limited liability company; Arch Insurance Company, a Missouri corporation; SureTec Insurance Company, a Texas surety company; Merrill Iron & Steel, Inc., a Wisconsin Corporation; Nevada State Contractors Board, a Nevada regulatory agency; Liberty Mutual Insurance Company, a Massachusetts corporation; M. A. Mortenson Company, a Minnesota corporation; McCarthy Building Companies, Inc., a Missouri corporation; Federal

1 Insurance Company, an Illinois corporation; and
2 Mortenson-McCarthy Las Vegas Stadium, a
3 Joint Venture, a general partnership; Hinner,
4 Hinner, Rajek, LLC, a Wisconsin limited
liability company; Hinner, LLC, a Wisconsin
limited liability company,

5 Defendants.

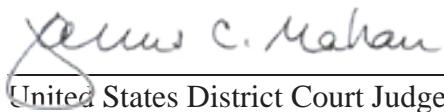
6 The parties' stipulation to dismiss the case is granted. It is hereby ordered that

7 1. Plaintiffs' claims are dismissed with prejudice in accordance with the terms of the
8 Settlement Agreement which retains certain rights by the Plaintiffs against Derr & Isbell
9 Construction, LLC that may be enforced in accordance with the terms of the Settlement Agreement
10 and the Employee Retirement Income Security Act.

11 2. The Court retains jurisdiction over the Settlement Agreement to enforce the terms
12 of the Settlement Agreement.

13 3. This Order and dismissal of claims does not extend to claims asserted beyond this
14 Lawsuit as recognized and limited in the Settlement Agreement.

15 Dated November 12, 2020.


United States District Court Judge

17 Submitted by:

18 CHRISTENSEN JAMES & MARTIN

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